

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)	
)	
Preserving the Open Internet)	GN Docket No. 09-191
)	
Broadband Industry Practices)	WC Docket No. 07-52

AMENDMENT TO INITIAL FILING
"GROWING CONFUSION AMONG ASIAN AMERICANS AS TO OPEN INTERNET PROCEEDINGS"

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On September 3rd, we filed preliminary comments on behalf of 18.5 million Asian Americans. In these comments, we noted that the vast majority of the public and in particular, Asian Americans, are not a key part of the decision making and do not have sufficient information to be fully informed. At the time, we noted that public confidence regarding this issue appeared to be eroded by the confusion as to the significance and appropriateness of private agreements. We are not per se opposed to private agreements that are intended to primarily benefit the public interest.

Based on what has transpired since September 3rd, we have noted that most communities, including the Asian American community, are not involved with Beltway net neutrality actions and are increasingly confused as to the value of any slogans relating to net neutrality. The New York Times article of September 4th, “The Struggle for What We Already Have,” demonstrates this. It contends that the debate on net neutrality has been “reduced to bumper stickers.” It also indicates that even if there were such negotiations with the companies by FCC, that without the force of law it would be difficult to “know precisely what they accomplished.” It also notes that it is possible that even if the FCC were successful in making net neutrality the larger law, “the FCC could wind up as a regulator with very little to regulate.” Therefore, it is particularly important for private corporations that seek to influence the public debate and at the same time secure congressional and public support to communicate with the public interest community, including the minority community.

One issue the Asian American community does understand is that there is a need for multibillions of dollars in broadband investment leading to reasonable well paying jobs in America. Companies that can achieve both are likely to have Asian American support and most probably support from most of Main Street.¹

We had hoped that Congress would have developed a solution and have indicated that Chairman Waxman and other congressional leaders, including the leadership of all three minority congressional caucuses, our support for a possible legislative solution that corporate America, the FCC and the public would embrace. Unfortunately, on September 29th, the Chair of the House Energy and Commerce Committee stated that his committee had failed to win the support for a proposal that would give FCC limited power to regulate broadband traffic. In particular, this is attributable to Republican opposition. But it appears that there is also substantial Democratic opposition for a variety of other reasons. It is our intention to meet with key congressional leaders including Chairman Waxman after the November elections and most likely during the week of November 15th when congress is in session.

As Republican Congressman Joe Barton stated, “there is not sufficient time to ensure that Chairman Waxman's proposal will keep the Internet open without chilling innovation and job creation.” The Asian American community is clearly supportive of innovation and the need of job creation. To that end, we

¹ See, for example, the October 2010 Phoenix Center Policy Bulletin, “Jobs, Jobs, Jobs: Communications Policy and Employment Effects in the Information Sector.” This comprehensive statistic heavy analysis demonstrates the number of jobs directly and indirectly created per billion dollars of investment in broadband and argues that a high percentage are reasonably well paying jobs, a type that would benefit the Asian American community.

do support Congressman Barton's observations. However, we do support another effort by the FCC to bring all the parties together, including Congress, to discuss a solution.

Although this could take time, we do not share the concerns expressed by some groups that hesitation by the FCC Chairman to move forward with the proposal to re-regulate broadband lines and to take appropriate time to decide important issues leads to the conclusion that the FCC cannot make a bold decision. Sometimes bold decisions require due deliberations to ensure that all beneficiaries play a part in shaping the future.

Although we urge the FCC to continue in its efforts, we also support David Honig's statement from the Minority Media & Telecommunications Council that if at all possible, the FCC should allow the new Congress to craft a politically viable solution. But we emphasize a politically viable solution must focus on encouraging investment and job creation.

As part of our recommendation for the FCC moving forward with due deliberate speed, we urge a series of broadband hearings on net neutrality that focus in substantial measure on educating underserved communities, including 18.5 million Asian Americans.² This should be organized by the FCC. As previously set forth, Mabuhay Alliance has organized three such broadband hearings relating to net neutrality in Washington DC, Chicago and Los Angeles, and will be holding our fourth on October 16th in South San Francisco. (On our panel will be Google, Comcast, AT&T, Verizon and two commissioners from the California Public Utilities Commission, commissioners Timothy Simon and Nancy Ryan. Although the FCC could not send a commissioner to this conference, Commissioner Mignon Clyburn will be opening the broadband hearings with a major video.)

Respectfully submitted,

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/s/ Mia Martinez
Mia Martinez
Deputy Director

October 6, 2010

² Although we are not necessarily supportive of all of CATO Institute's libertarian policies, we do call to this Commission's attention the recent article on the September/October 2010 issue of the CATO Policy Report, "The Era of Expert Failure." It discusses the growing failure of experts, including government experts, to offer meaningful solution and indirectly illustrates the importance of broad public input.